

Max R. Tarbox; SBN: 19639950  
TARBOX LAW, P.C.  
2301 Broadway  
Lubbock, Texas 79401  
(806)686-4448; FAX (806)368-9785  
*Attorneys for the Debtors*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

In Re:	§	
	§	
Griffith Farms, JV,	§	Case No. 19-10048-rlj-12
	§	
<i>Debtor.</i>	§	
	§	

---

In Re:	§	
	§	
Roy Eugene Griffith & Ann Rose Griffith,	§	Case No. 19-10049-rlj-12
	§	
<i>Debtors.</i>	§	(Jointly Administered Under Case No.
	§	19-10048-rlj-12)

**MOTION TO APPROVE SELL REAL PROPERTY *NUNC PRO TUNC***

TO THE HONORABLE ROBERT L. JONES, United States Bankruptcy Judge:

**COME NOW**, Griffith Farms, JV, and Roy Eugene Griffith & Ann Rose Griffith, the Debtors in the above-entitled and numbered bankruptcy proceedings, and files this *Motion to Approve Sell Real Property Nunc Pro Tunc* and in support of this motion would respectfully show the Court as follows:

1. The Debtors filed for relief under Chapter 11 of the United States Bankruptcy Code on March 15, 2019. The Debtors' case was converted to Chapter 12 on November 26, 2019 by virtue of Order (Doc. No. 70). The Debtors' Plan was confirmed on March 11, 2020.

2. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 363. The matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(N).

3. The Debtors owned the following property Jones County, Texas: A0847 2 T&P-20, Tract 3-B. The address of the property is 3535 County Road 320, Abilene, Texas.<sup>1</sup>

4. Debtors sold the property to Ron Abner, whose address is P.O. Box 222, Merkel, TX 79536, for \$725,000.00. A copy of the Farm and Ranch Contract is attached hereto as Exhibit “A”. There are no liens attached to the property. Proceeds of the sale were used to complete the Debtors’ Chapter 12 Plan payments.

5. The Settlement Statement (“Statement”) is attached as Exhibit “B.” The Settlement Date was August 28, 2024. The Statement states that Capital Farm Credit is lien holder. That statement is incorrect. Although Capital Farm Credit is a lender in this case, they did not have a lien on the property that was sold. The new buyer received his financing from Capital Farm Credit, so the Debtors that knew Capital Farm Credit was aware of the sale by Griffith Farms.

6. The Debtors realize they made a mistake by not first filing a Motion to obtain Court approval. They felt that the proceeds from the sale could be used to satisfy any remaining obligations required by the Plan. The sale will not affect the Debtors’ ability to generate sufficient cash for operations going forward.

7. The Debtors’ confirmed Plan provides that the allowed claims of all unsecured creditors would be paid in full; however, no unsecured claims have been filed.

---

<sup>1</sup> Part of Abilene, Texas is in Jones County, Texas.

8. All required plan payments, paid through the Chapter 12 Trustee, have been made. Also, all direct payments to claimants that were designated in the Plan to be paid have been made.

9. The motion for discharge filed by the Trustee has been filed to clear the way for the order discharging the individual debtors to be entered as soon as the Court approves this sale.

10. The Debtors believe the sale, as proposed herein, was in the best interest of all creditors of the estate and should be approved *nunc pro tunc*.

**WHEREFORE PREMISES CONSIDERED**, the Debtors pray for an Order of this Court approving the sale of the real property described herein.

Dated: October 3, 2024

Respectfully submitted,

TARBOX LAW, P.C.  
1722 Broadway  
Lubbock, Texas 79401  
(806) 686-4448; fax: (806) 368-9785

By: /s/ Max R. Tarbox

Max R. Tarbox,  
Texas Bar No. 19639950  
*Attorney for the Debtors*

#### **IMPORTANT NOTICE**

THE VIDEO DOCKET CALL FOR THIS MOTION WILL BE CONDUCTED ON **OCTOBER 30, 2024 AT 1:30 P.M.**. AFTER THE DOCKET, JUDGE JONES WILL ASSIGN THE DATE AND TIME OF HEARINGS FOR ALL MATTERS REQUIRING A LIVE HEARING BEFORE THE JUDGE. THE COURT GENERALLY RESERVES THE FOLLOWING MONDAY AND TUESDAY AT THE DIVISION FOR THE LIVE HEARINGS. IF A HEARING IS REQUIRED, THE HEARING WILL BE HELD IN THE FEDERAL COURT, ROOM 2201, 3<sup>RD</sup> AND PINE AVENUE, ABILENE, TEXAS.

THE DEADLINE TO RESPOND TO THIS PLEADING IS **OCTOBER 27, 2024**. ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK,

AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE SET FORTH HEREIN. DOCUMENTS ARE TO BE FILED IN ROOM 306, 1205 TEXAS AVENUE, LUBBOCK, TX 79401.

### **CERTIFICATE OF CONFERENCE**

I hereby certify that on this 3rd day of October, 2024, my office communicated with Chapter 12 Trustee, Brad Kloiber. Mr. Kloiber is in support of the Motion.

/s/ Max R. Tarbox

Max R. Tarbox

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of October, 2024, a true and correct copy of the foregoing *Motion* was served upon the following listed parties either by enabled electronic filing or via first class United States mail.

1. U.S. Trustee  
1100 Commerce, Suite 976  
Dallas, TX 75242
2. All parties in interest registered with the  
the U. S. Bankruptcy Court to receive  
electronic notices in this case.
3. All creditors and parties in interest  
listed on the attached mailing matrix.
4. Eugene and Ann Griffith  
PO Box 159  
Hawley, Texas 79525  
*Debtors*
5. Brad Kloiber  
PO Box 709  
Littlefield, Texas 79339  
*Chapter 12 Trustee*
6. Will C. Griffis  
McCleskey, Harriger, Brazill & Graf, L.L.P.  
311 S. Abe Street, Suite B  
San Angelo, Texas 76903-6364  
*Attorneys for Capital Farm Credit*

/s/ Max R. Tarbox

Max R. Tarbox